

Docket No. 020547

Serial No. 10/632,400

REMARKS/ARGUMENTS

This paper is filed in response to a final office action. The Examiner cited a new reference, Wang et al., in rejecting the pending independent claims. Note that none of the claims are amended in this paper.

Claims 1, 18 and 31 (the independent claims) were rejected under 35 USC §102(e) as being anticipated by Wang, et al. Wang, et al., discloses an apparatus and associated method for selecting a likely target cell in a cellular communication system. This prior art system is attempting to solve the same problem that the present invention solves. However, Wang, et al., provides its solution in a very different manner using different information. Wang, et al., specifically describes and requires two specific determinations for making a handover decision, position and velocity. The Examiner in the office action indicated that Wang, et al., also uses heading, however, a close reading of the Wang, et al., specification, this statement is in error. The word "heading" is used two times in the specification (Col. 3, line 10 and Col. 4, line 4). However, the applicant as his own lexicographer gave this word a specific meaning, "Determinations are made at the mobile station as to the positioning of the mobile station as well as the speed and heading, i.e. the velocity, of the mobile station." (Emphasis Added) Thus, the Applicant specifically defined the word "heading" as the velocity. This contention is further supported by several references to the required elements (position and velocity) in the Abstract, Fig. 3, Col. 3, lines 4-6 and lines 26-28, Col. 6, lines 10-21, line 30, lines 35-37, lines 48-49, lines 56-59 and line 67, Col. 7, line 6, lines 41-44 and lines 51-52, claims 1, 9, 14, 16 and 18. A fundamental principle contained in 35USC §112, second paragraph is that applicants are their own lexicographers. They can define in the claims what they regard as their invention essentially in whatever terms they choose so long as any special meaning assigned to a term is clearly set forth in the specification. See MPEP §2111.01. Therefore, the meaning applied by the Examiner to the word "heading" as used by the Wang et al., applicant is in error.

Further, as shown in the above cited sections of Wang, et al., the "heading" is not used as an element or feature for making a handover decisions as is specifically claimed and taught in the present invention. Wang et al., is specifically limited in the specification and claims to using position and velocity. The present patent application in the independent

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claims requires the features of "obtaining an estimate of position, velocity and direction of motion of a subscriber station". The critical feature of direction of motion makes the present application unique. Wang et al., does not teach, mention, imply this feature in making the handover decision. Further, Wang, et al., in combination with the other prior art patents also fail to teach this element.

Claims 2-3 and 19-20 were rejected under 35 USC §103(a) as being unpatentable over Wang et al., in view of Vananos. These are dependent claims, and due to the patentability of the independent claims, these claims are also allowable.

Claims 4-17 and 21-30 were rejected under 35 USC §103(a) as being unpatentable over Wang et al., in view of Vayanos and further in view of Jones. These are also dependent claims, and due to the patentability of the independent claims, these claims are also allowable.

Applicants therefore respectfully request that a timely Notice of Allowance be issued in this case.

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Respectfully submitted,

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